

## **REMARKS**

### **Pending Claims**

Claims 2 and 6-20 are now pending. Claims 2, 10, 13 and 14 have been amended. New claims 15-20 have been added. Claims 3-5 have been canceled by this Amendment, and claim 1 was canceled by a prior Amendment. There are now 7 independent claims and 16 total claims pending. Claims 2, 10, 13, 14, 15, 17 and 19 are independent. The original filing fee covers the number of claims now pending.

### **Request for Suspension of Action**

A Request for Suspension of Action for three months and the required fee accompany this paper. Applicants will file a Supplemental Amendment within the requested three-month suspension period.

### **Interview Statement of Substance**

Applicants and Applicants' representative would like to thank the Examiner for the courtesy extended during the in-person interview conducted on October 3, 2007. During the interview the pending claims were discussed relative to Meffert and the other art of record, but no agreement was reached as to patentability. Possible alternative claim language was also discussed. Applicants have attempted to incorporate some of this alternative claim language into the pending claims.

### **Claim Rejections under 35 USC § 103**

Claims 2-7, 10, 13 and 14 stand rejected under 35 USC § 103(a) as being unpatentable over Graunke, US Pat. App. Pub. 2003/0005285 (hereafter "Graunke"), in view of Meffert et al., US Pat. App. Pub. 2002/0059144 (hereafter "Meffert").

Claims 8 and 11 stand rejected under 35 USC 103(a) as being unpatentable over Graunke in view of Meffert and further in view of Van Eck US. Pat. No. 4,669,117.

Claims 9 and 12 stand rejected under 35 USC 103(a) as being unpatentable over Graunke in view of Meffert and further in view of Virga US Pat. No. 5,321,749.

Applicants respectfully traverse these rejections, and request reconsideration and withdrawal of the rejections for the following reasons.

### **Patentability of the Claims**

Independent claim 2 has been amended to recite

an encryption processing device for performing an encryption process on a part, but not all, of a digital content that is an object for protection from unauthorized use, wherein said digital content that is an object for protection from unauthorized use is divided into a plurality of blocks, some of which are encrypted and a remainder of which are not encrypted...

Thus, under Applicants' invention the digital content that is desired to be protected from unauthorized viewing, playing, or the like, is partially encrypted by dividing the digital content into a plurality of blocks, and encrypting only some of the blocks, while the remainder of the blocks are not encrypted.

Claim 2 further includes "outputting the digital content in a contaminated state including both the encrypted part as well as the remaining unencrypted part of the

digital content.” Thus, by dividing the digital content which is an object for protection from unauthorized use into the blocks that are encrypted and blocks that are not encrypted, and then outputting the digital content in a contaminated state, it becomes possible, in the case of a video image, for example, to make the whole image visible while only a part of the image is contaminated, as shown for example, in Fig. 6B of the present application. Similarly, in the case of an audio digital content, the whole file can be played, and portions of the file are contaminated. This accomplishes Applicants’ goal of stimulating a user’s visual and auditory desire, thereby possibly prompting purchase of the uncontaminated (i.e., unencrypted) digital content.

Both Graunke and Meffert fail to teach a digital content which is an object for protection from unauthorized use that includes both encrypted portions and unencrypted portions. In the Response to Arguments section on page 2 of the Office action, the Examiner states that Meffert teaches an Mp3 file, all of which is considered digital content. The Examiner further states that the portion of Meffert that remains unencrypted is not only the header and tags, but also an audio message that a user may play without decrypting the rest of the contents and refers to Fig. 6. Applicants respectfully assert, however, that in Meffert that the entire digital contents that are an object for protection from unauthorized use are encrypted. For example, the Examiner’s attention is directed to FIG. 6 of Meffert where the right hand portion of the figure states that “*Encrypted content includes: All Audio frames.*” Thus, according to Meffert, the audio frames that are an object for protection from unauthorized use are all encrypted. The unencrypted audio

message of Meffert is not an object for protection from unauthorized use because the clear intention of Meffert is that this portion of the Mp3 file be played by a user so that the audio message is received. In view of the foregoing, Applicants respectfully submit that claim 2 is allowable over the combination of Graunke with Meffert or the other art of record, whether taken singly, or in combination. Independent claims 10, 13 and 14 include similar language, and are allowable under a similar rationale.

New independent claim 15 includes an encryption processing device configured to divide the digital content into a plurality of blocks, and encrypt some of the blocks, while a remainder of the blocks are not encrypted based on a compression characteristic of each block. For example, digital content may be comprised of three frame types (e.g., I frame, P frames, and B frames), each of which has a different compression characteristic. One type of frame may be encrypted, while the other types may remain unencrypted. Similar other examples are discussed in Applicants' specification. Graunke, Meffert and the other art of record provide no teachings regarding this aspect. Accordingly, new claim 15 is allowable over the combination of Graunke with Meffert or the other art of record, whether taken singly, or in combination. New independent claim 19 includes similar language, and is allowable under a similar rationale.

New independent claim 17 includes an encryption processing device configured to divide the digital content into at least two sets of data based upon a frequency band division, such that a first set of data of a first frequency is encrypted and one or more remaining sets of other frequencies are not encrypted. For example, digital content may be comprised of a high frequency band and a low

frequency band. One of these may be encrypted and the other may remain unencrypted. Graunke, Meffert and the other art of record provide no teachings regarding this aspect. Accordingly, new claim 17 is allowable over the combination of Graunke with Meffert or the other art of record, whether taken singly, or in combination.

### **Conclusion**

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case. To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. TSM-17).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Colin D. Barnitz', with a long horizontal flourish extending to the right.

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